



Judges' Retirement System



California Public Employees' Retirement System



Important CalPERS Changes

Domestic Partners

Effective January 2005, domestic partners legally recognized by California law will be entitled to all rights, benefits and obligations previously provided only to spouses under State law.

This means in most situations, a current or former registered domestic partner of a CalPERS member would be eligible for the same benefits as a current or former spouse of a CalPERS member.

Need Assistance?

The best place to go for information about CalPERS benefit and membership issues is our CalPERS On-Line Web site at ***www.calpers.ca.gov***.

You can also call the CalPERS Customer Contact Center toll free at **(888) CalPERS (225-7377)**, which is staffed weekdays, 8 a.m. to 5 p.m., to assist CalPERS members and employers.

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Judges' Retirement System Member Booklet

MEMBERSHIP	2
CONTRIBUTIONS	2
<i>Refund of Contributions</i>	<i>2</i>
<i>Redepositing Withdrawn Contributions</i>	<i>2</i>
SERVICE CREDIT	3
RETIREMENT OPTIONS	3
<i>Service Retirement</i>	<i>3</i>
<i>Extended Service Incentive Program</i>	<i>3</i>
<i>Deferred Retirement</i>	<i>3</i>
<i>Disability Retirement</i>	<i>5</i>
SURVIVOR BENEFITS	5
<i>Spouse</i>	<i>5</i>
<i>Pre-Retirement Death</i>	<i>5</i>
<i>Post-Retirement Death</i>	<i>6</i>
<i>Children</i>	<i>6</i>
<i>Pre-Retirement Death</i>	<i>6</i>
<i>Post-Retirement Death</i>	<i>7</i>
APPLYING FOR RETIREMENT	7
HEALTH BENEFITS	7
<i>Health Plans Not Covered Under PEMHCA</i>	<i>7</i>
<i>Health Plans Covered Under PEMHCA</i>	<i>7</i>
OTHER CONSIDERATIONS	8
<i>Community Property</i>	<i>8</i>
<i>Dental Insurance</i>	<i>8</i>
<i>Vision</i>	<i>8</i>
<i>Electronic Fund Transfer (EFT)/Direct Deposit</i>	<i>8</i>
<i>Group Life Insurance</i>	<i>8</i>
<i>Reciprocity</i>	<i>8</i>
<i>Long-Term Care Program</i>	<i>8</i>
<i>Social Security</i>	<i>8</i>
<i>Taxes</i>	<i>8</i>
<i>Working After Retirement</i>	<i>9</i>
<i>Service Retirement</i>	<i>9</i>
<i>Deferred Retirement</i>	<i>9</i>
<i>Disability Retirement</i>	<i>9</i>

Membership

The Judges' Retirement System (JRS) was established on August 27, 1937. Membership includes justices of the Supreme Court or the District Court of Appeal and judges of a superior or municipal court appointed or elected before November 9, 1994.

Since all counties have consolidated their municipal courts with their superior courts under Proposition 220, there are no longer active municipal court judges.

Contributions

As a member of the JRS, a portion of your monthly salary (currently 8 percent) is deducted each month and put into your account in the Judges' Retirement Fund (JRF). If you are a Supreme Court or appellate court justice or a superior court judge, you do not pay income taxes on your contributions until you retire or receive a refund. If you are a municipal court judge, you may or may not pay income taxes on your contributions, depending on the county in which you work. The amount of your accumulated contributions is shown on your JRS Annual Member Statement, which is mailed to you after the end of each fiscal year.

The State also contributes an amount equal to 8 percent of your salary to the JRF. Your contributions, along with the State's contributions, earnings from investments, and other sources (specific court filing fees and General Fund appropriations), pay for your retirement and death benefits.

Refund of Contributions

A refund of your contributions terminates your JRS membership, and you will not be eligible for any future benefits. You must accept a refund of your contributions under the following circumstances:

- if you leave office prior to retirement and, you have less than five years service credit;
- or**
- if you plead guilty or no contest to, or are found guilty of, a crime committed while holding office that is punishable as a felony under California or federal laws, which involves moral turpitude, or was committed in the course and scope of your duties.

Redepositing Withdrawn Contributions

If you are re-appointed or elected to a judicial position after being refunded your contributions for less than five years of service, you may redeposit your withdrawn contributions, plus interest from the date of withdrawal to the date of redeposit, and restore your service credit.

Please Note

This booklet applies to those elected to a judicial position prior to November 9, 1994. If you were elected on or after November 9, 1994, please refer to the **Judges' Retirement System II Member Benefit Booklet (JRS-JUD-2)**.

Service Credit

You earn service credit for the time you hold office as a judge, computed in years and fractions of years. If you would be eligible for service or disability retirement had your service included an additional 60 days, you may be credited with the necessary service up to 60 days.

You may be able to claim additional service credit in the JRS for certain types of previous employment, if you are not receiving credit for this service under any other public retirement system. To purchase the service credit, you must pay the amount that would have been deducted from your salary had you been a judge during that time, plus any applicable interest.

Previous employment which may be applied toward prior service credit includes service as a “judge of an excluded court.” This includes service as a judge of a justice court or a judge, justice of the peace, or recorder of a court provided for by law prior to January 1, 1952.

You may purchase all or any portion of the previous service. However, you must elect to claim this prior service credit **before** you retire. If you think you qualify for prior service credit, contact the JRS.

Active judges are eligible to purchase prior subordinate judicial officer time. Cost calculations are performed after eligibility is confirmed. Contact the JRS for more information.

Military

Due to court ruling for a JRS member, a policy decision was made to authorize eligible members and retirees of JRS to purchase military service credit under provisions of the California Public Employees’ Retirement Law. The eligibility and cost criteria are set forth in Government Code sec. 21029. A present value calculation method provides the means for an eligible member to pay the full cost of the service. Contact JRS for more information on eligibility criteria.

Retirement Options

Several retirement options are available to you. Be sure to carefully review the benefits of each option to determine which is best for you.

Service Retirement

Section 75025

To qualify for a service retirement, you must be at least age 60 with 20 years of service. The service requirement decreases between age 66 to 70, at which age you must have 10 years of service. If your term expires within 60 days of reaching the age or service requirement necessary for retirement, you will be considered eligible for retirement under Section 75025.

Your retirement allowance will equal a percentage of the current salary of the judicial office you last held. The percentage you receive is based on your age and years of service. Increases in judicial salary increase your retirement allowance proportionately.

The table below shows retirement allowance percentages based on age and service:

Extended Service Incentive Program (ESIP)

If you are an active member with 20 or more years of service credit and were at least age 60 on or after January 1, 2001, you would be automatically enrolled in this program and eligible to receive a lump sum payment in addition to your normal monthly retirement allowance at retirement. The payment is a calculation of 20 percent of your monthly salary for the first five years from eligibility date and 8 percent of salary for the next five years. Interest is calculated at a rate indexed to 30 year U.S. Treasury Bonds. There is a 36-month minimum participation period to receive the program payment and a maximum enrollment period of 10 years.

Retirement Age	Years of Service	Retirement Allowance
60 - 70	20	75 percent
66	18	65 percent
67	16	65 percent
68	14	65 percent
69	12	65 percent
70 +	10	65 percent

Deferred Retirement

Section 75033.5

If you have at least five years of judicial service, you may retire under deferred retirement. However, you will not receive a retirement allowance until:

- you reach the age at which you would have been eligible to retire under Section 75025, if you had remained continuously in office up to that age (see the table below); **and**
- you are at least age 63, or age 60 with 20 years of judicial service.

For example:

If you are age 60 with 19 years of judicial service, you may retire and receive your retirement allowance at age 63. Even though you will be first eligible to retire under Section 75025 with 20 years of service, you must be age 63 to receive a retirement allowance under Section 75033.5.

or

If you are age 63 with 19 years of judicial service, you may retire and receive your retirement allowance at age 64, when you will be first eligible to retire with 20 years of judicial service under Section 75025.

or

If you are age 59 with 20 years of judicial service, you may retire and receive your retirement allowance at age 60, when you are first eligible to retire under Section 75025.

*If you retire under Section 75025, you are not eligible for these Optional Settlements.

If you are eligible for service retirement when you elect deferred retirement, you will receive your retirement allowance immediately.

Your retirement allowance is based on your years of service (not to exceed 20), multiplied by a percentage (2 percent to 3.75 percent) based on the number of years of service. The table below shows only whole years. However, a fraction of a year is prorated and included in your retirement calculation.

If at retirement you elect a monthly allowance under Section 75033.5, your surviving spouse will receive $\frac{1}{2}$ of your retirement benefit for life.

or

You may elect an optional settlement under Section 75070-71*. An optional settlement is electing to receive a lesser retirement allowance to enhance your surviving spouse's monthly benefit after your death.

Optional Settlements

Option 1

If you die before you receive the full amount of your accumulated contributions, the balance is paid to your designated beneficiary or their estate for life.

Option 2

If your spouse or designated beneficiary predeceases you, your allowance would be adjusted to reflect the allowance that would have been paid had you not elected

Years of Service	Percent Per Year of Service	Total Percentage
5	2.00	10.00
6	2.25	13.50
7	2.50	17.50
8	2.75	22.00
9	3.00	27.00
10	3.25	32.00
11	3.50	38.50
12	3.75	45.00
13	3.75	48.75
14	3.75	52.50
15	3.75	56.25
16	3.75	60.00
17	3.75	63.75
18	3.75	67.50
19	3.75	71.25
20	3.75	75.00

this optional settlement. If the marriage of a retired judge dissolved and the judgment dividing this community property awards the total interest in the retirement system to you, the retired judge, your allowance would be adjusted to what would have been paid if you had not elected this optional settlement.

Option 2W

After your death, your adjusted monthly retirement allowance continues for your spouse or designated beneficiary's lifetime.

Option 3

If your spouse or designated beneficiary predeceases you, your allowance would be adjusted to reflect the allowance that would have been paid had you not elected this optional settlement. If the marriage of a retired judge is dissolved and the judgment dividing this community property awards the total interest in the retirement system to you, the retired judge, your allowance would be adjusted to what would have been paid if you had not elected this optional settlement.

Option 3W

After your death, $\frac{1}{2}$ of the option portion of your adjusted monthly retirement allowance continues for your spouse or designated beneficiary's lifetime.

Option 4

Under specific guidelines, survivor benefits may be customized to fit your needs.

All optional settlement elections are irrevocable and subject to the approval of the CalPERS Board of Administration.

Disability Retirement

Section 75060

If you become unable to continue the duties of your office because of a mental or physical disability that is, or is likely to become, permanent, you may apply to the Commission on Judicial Performance (CJP) for a disability retirement.

There are no age or service requirements for a work-related

Oath Date	Non-Industrial Disability Service Requirement
Prior to 1/1/80	No service requirement
1/1/80 to 12/31/88	Two years
1/1/89 or later	Four years

disability retirement. However, the service requirement to retire for a non-industrial disability depends on when you first became a judge.

Generally, a retirement for industrial or non-industrial disability will provide a benefit of 65 percent of judicial salary.

Survivor Benefits

Spouse

Pre-Retirement Death

If you die before you retire, the JRS will provide benefits to your surviving spouse. Your spouse may elect only one of the benefits that are available. Be sure to carefully review each option before making an election.

Not Eligible to Retire

If you die before you are eligible to retire, your spouse will receive a monthly allowance equal to 25 percent of your judicial salary, less any workers' compensation benefits paid **for life**. This benefit is available to your spouse regardless of your length of service.

Years of Service	Percent Per Year of Service	Total Percentage
10	1.625	16.250
11	1.625	17.875
12	1.625	19.500
13	1.625	21.125
14	1.625	22.750
15	1.625	24.375
16	1.625	26.000
17	1.625	27.625
18	1.625	29.250
19	1.625	30.875
20+	1.625	37.500

or

If you elected and paid for a surviving spouse benefit (\$2 per month), and you have 10 to 20 years of service, your spouse could elect to receive a monthly allowance equal to 1.625 percent of your judicial salary, times your years of service (a fraction of a year equals one year) **for life or until remarriage.**

The table below shows the optional surviving spouse benefit percentage.

or

If your spouse is also your designated beneficiary, they could elect to receive a return of your contributions plus one month's salary, for each year served, up to a maximum of six months. If your spouse predeceases you and you do not have a designated beneficiary, your estate will receive this benefit.

Eligible to Retire

If you die after you are eligible to retire, but before you retire, your surviving spouse will receive a monthly allowance equal to half of the allowance you would have received had you retired **for life or until remarriage.**

The JRS now offers the option of allowing a judge, at any time while in office, to make an irrevocable election for their eligible surviving spouse to receive the maximum survivor benefit (Option 2) in the event of the judges' pre-retirement death. The judge must have died in

office, attained the minimum age for service retirement with at least 20 years of service, and have been eligible to receive an allowance.

Post-Retirement Death

If you die after retirement and you retired with a service retirement under Section 75025, your surviving spouse will receive $\frac{1}{2}$ of your retirement benefit for life or until remarriage or the option you elected under 75071. The $\frac{1}{2}$ surviving spouse benefit is the same for judges receiving a disability retirement benefit under Section 75060.

If you die after retirement and elected a deferred retirement under Section 75033.5, your surviving spouse will receive either $\frac{1}{2}$ of your benefit or the option you elected under Section 75071. Surviving spouses receiving a benefit under Sections 75033.5 or 75071 will receive the benefit for life, regardless of remarriage.

If you die after retirement and you are receiving an allowance of 50 percent of salary because you retired after age 70, there are no survivor benefits unless you elected to take a lesser allowance to provide for an optional settlement. This optional settlement is payable for life.

In all cases, judges who took the bench on or after January 1, 1980 must be married at least one year prior to retirement for surviving spouse benefits to be available.

Children

Survivor benefits will be paid to surviving children **only** if no benefits are payable to a surviving spouse.

Surviving children coverage election must be made within six months of becoming a judge or within six months of acquiring a legal duty to support an eligible child.

The contribution amount for this coverage is \$3 per month. Contributions will continue after retirement if you have eligible children and you choose to continue the benefit coverage. You may revoke your election and re-elect any time **prior** to retirement.

Eligible children include your unmarried, dependent child or stepchild under age 18, or age 22 if they are a full-time student. **In addition, an unmarried, dependent child over age 18 who is disabled by a condition which began prior to attaining age 18 and which has continued without interruption after age 18, is considered an eligible child.**

Payments are divided equally among the eligible children and are made directly to children over age 18, or to the guardian of children under age 18. Payments continue until a child reaches age 18, or age 22 if a full-time student, or until a disabled child is no longer unmarried, dependent, and disabled.

Pre-Retirement Death

Not Eligible to Retire

If you die before you are eligible to retire, your children will receive a monthly allowance equal to 25 percent of your judicial salary, less any workers' compensation benefits paid. Payments are divided equally if you have more than one eligible child.

Please Note

Survivor benefits will be paid to surviving children only if no benefits are payable to a surviving spouse.

or

If you have at least 10 years of judicial service at the time of your death, your children (or their guardian) may elect to receive a monthly allowance equal to 1.625 percent of your judicial salary times your years of service, to a maximum of 37.5 percent. (See table under Survivor Benefits on page 5.)

or

If your children are your designated beneficiaries, they (or their guardian) could elect to receive a refund of your contributions, plus one month's pay for each year you served, up to a maximum of six months.

Eligible to Retire

If you die after you are eligible to retire, but before you retire, and have no surviving spouse, your eligible children will receive a monthly allowance equal to half of the allowance you would have received had you retired, to be equally divided among the children.

Post-Retirement Death

If you die after you retire and have no surviving spouse, your eligible children will receive a monthly allowance equal to half of the allowance you were receiving, divided equally among the children.

Applying For Retirement

To apply for service retirement or deferred retirement, you must apply before your anticipated retirement date. Your effective retirement date may not be earlier than the date your application is received by the JRS. (Exception: If your term expires and you are eligible to

retire, you may apply for retirement within 90 days of the expiration of your term. In this case, your retirement date would be the date your term ended.)

Your application may be in the form of a letter, or you may request an application from the JRS. Please include a copy of your birth certificate with your application. To ensure timely processing, you should submit your application 60 days before you intend to retire.

To apply for a disability retirement, you must apply to the Commission on Judicial Performance and the Chief Justice. Once approved, the Commission will notify the JRS, and you will be sent the necessary forms.

Health Benefits

In order to continue your health and dental benefits into retirement, you must be enrolled in a State-sponsored plan, the Public Employees' Medical and Hospital Care Act (PEMHCA), at the time of retirement.

Before you retire, contact your health benefits officer or personnel office to find out what type of health insurance you have and whether you are covered under PEMHCA.

Health Plans Not Covered Under PEMHCA

If your current health plan is not covered under PEMHCA, ask your health benefits officer about keeping your present health care insurance or enrolling in a State-sponsored plan during an open enrollment period prior to your retirement date. It is important that you do this before your retirement date.

Health Plans Covered Under PEMHCA

To participate in this program as a retiree, you must be enrolled in a CalPERS-sponsored health plan on the date of your separation from employment.

- If you are eligible for federal Medicare benefits (Parts A and B) either at retirement or after retirement, State law **prohibits** your continued enrollment in a basic health plan. CalPERS offers "Supplement to Medicare" and Managed Medicare plans, which you will need to request. Immediately after receiving your Medicare card, contact the JRS.
- If you first became a member of the JRS before January 1, 1985, you will receive 100 percent of the State's contribution of the health benefit premium. If you became a member after that date, the State's contribution is based on the date you became a member and your years of service. If you are nearing retirement, contact the JRS for information regarding your specific situation.

If you retire under Section 75033.5 deferred retirement, and if you retire within 120 days of leaving judicial office, and have been enrolled in a CalPERS health plan, you and your family members **may** elect to continue health benefit coverage during the deferred status or during any future open enrollment. Once you start receiving your retirement allowance, the State's contribution will be based on the date you first became a member of the JRS and your years of service.

Other Considerations

Community Property

If you and your spouse divorce or legally separate, your spouse may be eligible to receive a portion of your retirement benefits.

SB 857, Chapter 988, Statutes of 2000 enables former spouses of retired members of the JRS to receive a lifetime benefit similar to that available in pre-retirement divorce situations if the community property interest in the system was divided by a court order and the former spouse retained an interest in the system.

Former spouses of judges who retired and divorced before January 1, 2001, or are now deceased, must notify the JRS prior to January 1, 2002, to receive this benefit. Any payments to these former spouses shall be prospective.

Dental Insurance

Many of the same rules apply to dental insurance that apply to your health benefits coverage; however, some differences exist. Contact your payroll office for further information.

Vision

Vision benefits do not continue into retirement. However, you may pay for an additional 18 months of coverage. Contact your payroll office for further information.

Electronic Fund Transfer (EFT)/Direct Deposit

When you retire, or any time after retirement, you may choose to have your retirement check electronically transferred to your financial institution. Contact the JRS to request a direct deposit form.

Group Life Insurance

If you want to continue deductions for payment of group life insurance premiums, contact your group insurance office for authorization forms.

Reciprocity

The JRS has limited reciprocity with CalPERS. This means that if you have contributions on deposit with CalPERS, you may have your CalPERS retirement benefits computed based on your judicial salary, **if you retire from CalPERS and the JRS on the same date.**

Long-Term Care Program

If you want to continue deductions for payment of CalPERS Long-Term Care Program premiums, make sure to contact the program's administrator at (800) 982-1775, and request the proper authorization forms to ensure continuity of your premium payments.

Social Security

During your employment as a judge covered under the JRS, you do not pay Social Security taxes. If you have ever contributed to Social Security under different employment, check with your local Social Security office to inquire about your benefits.

Taxes

Your retirement allowance will be subject to both State and federal withholding. At the time of your retirement, you will be given the opportunity to make an election regarding tax withholding.

At retirement, we recommend that you make an appointment with representatives from the Internal Revenue Service and the California Franchise Tax Board, or your private tax consultant or attorney, to obtain information regarding the taxability of your retirement allowance. The JRS will provide you with the information they need to advise you in this matter.

Working After Retirement

Service Retirement

Your retirement allowance will not be affected by any employment that does not require membership in the JRS.

If you are assigned to serve in a trial court, there is no offset to your retirement benefits. If you are assigned to sit in a court of appeal or the Supreme Court, and the compensation received is greater than your retirement allowance, the State will pay the difference between the compensation and the retirement allowance.

Deferred Retirement

If you retire under Section 75033.5, you may practice law or accept any other gainful employment without affecting your retirement allowance.

You are eligible for judicial assignment after you elect deferred retirement. If you are not yet receiving your retirement allowance, you may accept the judicial salary. Once you begin receiving your retirement allowance, you will be paid in the same manner explained above.

Disability Retirement

Section 75080

You may not accept employment that requires membership in the JRS or another public retirement system.

If you are retired for disability and engage in the practice of law or an occupation whose duties are substantially similar to those duties that you were found unable to conduct effectively because of your mental or physical disability, the disability retirement will cease permanently. If the duties are not substantially similar, and you have not reached the minimum service retirement age, the pension amount will be reduced if the compensation in combination with your allowance exceeds 75% of the salary of the judicial office you left. Monthly earnings must be reported to the JRS by the eighth of the following month of receipt of earnings.

If you are certified as recovered from your disability before you reach age 70, you are eligible for judicial assignment and may accept the judicial salary.

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Address and Telephone Numbers

Judges' Retirement System

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CalPERS On-Line

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This information booklet has been produced for use by members and other interested persons for informal purposes only. Please note that the Judges' Retirement System is governed by the Judges' Retirement System Law, California Public Employees' Retirement Law, and the Internal Revenue Code, rules and regulations which are complex and subject to change. In the event of any conflict between those governing authorities and the information provided here, the governing authorities shall have precedence.

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